

FILED

MAY - 4 2016

Clerk, U.S. District Court
District Of Montana
Great Falls

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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IAN SCOTT BARCLAY,
CORDERO ROBERT METZKER,
ERIN MARIE BERNHARDT,
RACHEL LEANNA ROSS, and
LAUREN J. HOSKINS,

Defendants.

CR 16-05-H-DLC

SUPERSEDING INDICTMENT

CONSPIRACY TO POSSESS WITH
INTENT TO DISTRIBUTE AND TO
DISTRIBUTE CONTROLLED
SUBSTANCES (Count I)

Title 21 U.S.C. § 846

(Penalty: Mandatory minimum five years
to 40 years imprisonment, \$5,000,000 fine,
and at least four years supervised release)

POSSESSION WITH INTENT TO
DISTRIBUTE CONTROLLED
SUBSTANCES (Count II)

Title 21 U.S.C. §841(a)(1) and 18 U.S.C. §2
(Penalty: Mandatory minimum five years
to 40 years imprisonment, \$5,000,000 fine,
and at least four years supervised release)

	<p>DISTRIBUTION OF METHAPHETAMINE (Counts III and IV) Title 21 U.S.C. § 841(a)(1); 18 U.S.C. § 2 (Penalty for Count III: 20 years imprisonment, \$1,000,000 fine, and at least three years supervised release. Penalty for Count IV: Mandatory minimum five years to 40 years imprisonment, \$5,000,000 fine, and at least four years supervised release)</p> <p>ACCEPTING AND GIVING BRIBES (Counts V and VI) Title 18 U.S.C. §§ 2 and 666(a)(1)(B) and (a)(2) (Penalty: Ten years imprisonment, \$250,000 fine, and three years supervised release)</p> <p>TITLE 21 PENALTIES MAY BE ENHANCED FOR PRIOR FELONY DRUG RELATED CONVICTIONS</p>
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THE GRAND JURY CHARGES:

COUNT I

That beginning on or about April 1, 2015, and continuing until on or about August 31, 2015, at Deer Lodge and Billings, in the State and District of Montana, and elsewhere, including the State of Tennessee, the defendants, IAN SCOTT BARCLAY, CORDERO ROBERT METZKER, ERIN MARIE BERNHARDT, RACHEL LEANNA ROSS, and LAUREN J. HOSKINS, knowingly and unlawfully agreed and conspired with each other, and with others known and unknown to the Grand Jury, to possess with the intent to distribute, and to distribute, in violation of 21 U.S.C. § 841(a)(1), controlled substances, namely 50 grams or more of a

substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a substance containing a detectable amount Suboxone (buprenorphine), a Schedule III controlled substance.

OBJECTS OF THE CONSPIRACY

The objects of the conspiracy were to possess with intent to distribute, and to distribute, methamphetamine and Suboxone, first to Deer Lodge and then to the Montana State Prison.

MEANS AND METHODS

During the course of the conspiracy, the defendants employed the following means and methods to achieve the objects of the conspiracy:

1. Defendant IAN SCOTT BARCLAY, a prisoner confined at the Montana State Prison in Deer Lodge, had an arrangement with defendant ERIN MARIE BERNHARDT, an employee of the Montana State Prison, whereby defendant ERIN MARIE BERNHARDT agreed to smuggle contraband, including methamphetamine and Suboxone, into the Montana State Prison.
2. Defendants CORDERO ROBERT METZKER, RACHEL LEANNA ROSS, and LAUREN J. HOSKINS, acting at the direction of defendant IAN SCOTT BARCLAY, arranged for the delivery of methamphetamine and Suboxone to defendant ERIN MARIE BERNHARDT's home in Deer Lodge.

3. Defendant ERIN MARIE BERNHARDT provided defendant IAN SCOTT BARCLAY with the methamphetamine and Suboxone by smuggling the substances into the prison. Defendant IAN SCOTT BARCLAY then distributed the methamphetamine and Suboxone to other inmates in the prison.
4. In exchange for smuggling contraband into the prison, defendant ERIN MARIE BERNHARDT received money totaling approximately \$3,000.00 from other members of the conspiracy or from those acting at the behest of the other members of the conspiracy.
5. Defendants CORDERO ROBERT METZKER, RACHEL LEANNA ROSS, and LAUREN J. HOSKINS facilitated the movement of money generated from the distribution of the methamphetamine and Suboxone to others in order to perpetuate the conspiracy. Said movement of money included the payment of bribes to defendant ERIN MARIE BERNHARDT.

All in violation of 21 U.S.C. § 846.

COUNT II

That beginning on or about April 1, 2015, and continuing until on or about August 31, 2015, at Deer Lodge, in the State and District of Montana, and elsewhere, including the State of Tennessee, the defendants, IAN SCOTT BARCLAY, CORDERO ROBERT METZKER, ERIN MARIE BERNHARDT, RACHEL

LEANNA ROSS, and LAUREN J. HOSKINS, knowingly and unlawfully possessed, with the intent to distribute, controlled substances, namely 50 grams or more of a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and a substance containing a detectable amount of Suboxone (buprenorphine), a Schedule III controlled substance, and aided and abetted the same, in violation 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT III

That on or about a period between June 25, 2015, and July 17, 2015, at Deer Lodge, in the State and District of Montana, the defendants, IAN SCOTT BARCLAY, CORDERO ROBERT METZKER, ERIN MARIE BERNHARDT, RACHEL LEANNA ROSS, and LAUREN J. HOSKINS, knowingly distributed a substance containing a detectable amount of methamphetamine, and aided and abetted the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT IV

That on or about a period between August 9, 2015, and August 14, 2015, at Deer Lodge, in the State and District of Montana, the defendants, IAN SCOTT BARCLAY, CORDERO ROBERT METZKER, ERIN MARIE BERNHARDT, RACHEL LEANNA ROSS, and LAUREN J. HOSKINS, knowingly distributed 50 grams or more of a substance containing a detectable amount of

methamphetamine, a Schedule II controlled substance, and aided and abetted the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2.

COUNT V

1. At all times material to this Indictment, the Montana State Prison was an agency of the state government of Montana that received \$10,000 or more under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of federal assistance during any one year period beginning April 1, 2014, and ending no later than August 31, 2016.

2. Defendant ERIN MARIE BERNHARDT was an agent of the Montana State Prison whose duties included working in the laundry, refraining from the introduction of any contraband into the prison, and ensuring that the prison was free of controlled substances.

3. That during the period between or about April 1, 2015, and continuing until on or about August 31, 2015, at Deer Lodge, in the State and District of Montana, defendant ERIN MARIE BERNHARDT knowingly and corruptly accepted anything of value, to be rewarded in connection with any business, transaction, and series of transactions of the Montana State Prison with a value of \$5,000 or more. That is, defendant ERIN MARIE BERNHARDT received approximately \$3,000.00 for smuggling controlled substances with a value of \$5,000 or more into portions of the

Montana State Prison that were designed to be secure from the unauthorized introduction of controlled substances, all in violation of 18 U.S.C. § 666(a)(1)(B).

COUNT VI

1. At all times material to this Indictment, the Montana State Prison was an agency of the state government of Montana that received \$10,000 or more under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of federal assistance during any one year period beginning April 1, 2014, and ending no later than August 31, 2016.

2. Defendant Erin Marie Bernhardt was an agent of the Montana State Prison whose duties included working in the laundry, refraining from the introduction of any contraband into the prison, and ensuring that the prison was free of controlled substances.

3. That during the period between or about April 1, 2015 and continuing until on or about August 31, 2015, at Deer Lodge, in the State and District of Montana defendant IAN SCOTT BARCLAY knowingly and corruptly gave, offered to give, and agreed to give anything of value, to be rewarded in connection with any business, transaction, and series of transactions of the Montana State Prison with a value of \$5000 or more. That is, defendant IAN SCOTT BARCLAY gave defendant Erin Marie Bernhardt approximately \$3,000.00 for smuggling controlled substances with a value of \$5,000 or more into portions of the Montana State Prison that were designed

to be secure from the unauthorized introduction of controlled substances, and aided and abetted the same, all in violation of 18 U.S.C. §§ 2 and 666(a)(1)(B).

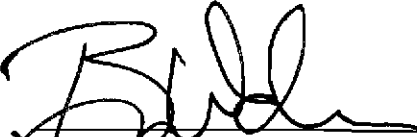
Pinkerton Liability

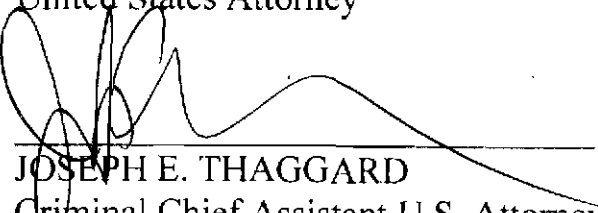
Counts II, III, and IV are subject to a *Pinkerton* theory of liability.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON


MICHAEL W. COTTER
United States Attorney


JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney

Crim. Summons ✓✓ Bernhard +
Warrants ✓✓✓ metzker
Bail ✓✓✓ Barclay, Ross, Hoskins

Appearance for summons
5/31/16 @ 2pm
Judge Lynch, msla